

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alfredo Gonzalez	Team: Squad #3	CCRB Case #: 201707832	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 09/16/2017 10:15 PM	Location of Incident: East 172nd Street and Ward Avenue; 43rd Precinct stationhouse	Precinct: 43	18 Mo. SOL 3/16/2019	EO SOL 3/16/2019	
Date/Time CV Reported Sun, 09/17/2017 12:22 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 09/22/2017 4:26 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DTS Gregory Kennedy	26842	948364	043 PCT
2. SGT Robert Foley	132	934873	043 PCT
3. POM Satinderpa Singh	31966	955500	043 PCT
4. POM Tomor Berisha	10417	953678	043 PCT
5. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Daniel Diaz	01282	934759	043 PCT
2. POM Md Ali	10018	960149	043 PCT
3. POF Ivelisse Marte	07940	955130	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS Gregory Kennedy	Discourtesy: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Detective Gregory Kennedy spoke discourteously to § 87(2)(b)	
B.POM Satinderpa Singh	Abuse: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Police Officer Satinderpal Singh stopped § 87(2)(b)	
C.DTS Gregory Kennedy	Abuse: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Detective Gregory Kennedy stopped § 87(2)(b)	
D.POM Tomor Berisha	Abuse: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Police Officer Tomor Berisha stopped § 87(2)(b)	
E.DTS Gregory Kennedy	Discourtesy: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Detective Gregory Kennedy spoke discourteously to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
F.DTS Gregory Kennedy	Discourtesy: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Detective Gregory Kennedy spoke discourteously to § 87(2)(b)	
G.DTS Gregory Kennedy	Force: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Detective Gregory Kennedy used physical force against § 87(2)(b)	
H.DTS Gregory Kennedy	Force: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Detective Gregory Kennedy used physical force against § 87(2)(b)	
I.DTS Gregory Kennedy	Abuse: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Detective Gregory Kennedy damaged § 87(2)(b)'s property.	
J.DTS Gregory Kennedy	Force: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Detective Gregory Kennedy used physical force against § 87(2)(b)	
K.POM Satinderpa Singh	Force: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Police Officer Satinderpal Singh used a chokehold against § 87(2)(b)	
L.POM Satinderpa Singh	Force: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Police Officer Satinderpal Singh restricted § 87(2)(b)'s breathing.	
M.DTS Gregory Kennedy	Off. Language: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Detective Gregory Kennedy made remarks to § 87(2)(b) based upon her perceived sexual orientation.	
N. An officer	Discourtesy: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, an officer spoke discourteously to § 87(2)(b)	
O.DTS Gregory Kennedy	Abuse: En route to the 43rd Precinct stationhouse, Detective Gregory Kennedy did not obtain medical treatment for § 87(2)(b)	
P.POM Satinderpa Singh	Abuse: En route to the 43rd Precinct stationhouse, Police Officer Satinderpal Singh did not obtain medical treatment for § 87(2)(b)	
Q.DTS Gregory Kennedy	Discourtesy: At the 43rd Precinct stationhouse, Detective Gregory Kennedy spoke discourteously to § 87(2)(b)	
R.DTS Gregory Kennedy	Force: At the 43rd Precinct stationhouse, Detective Gregory Kennedy used physical force against § 87(2)(b)	
S.POM Satinderpa Singh	Discourtesy: At the 43rd Precinct stationhouse, Police Officer Satinderpal Singh spoke discourteously to § 87(2)(b)	
T.DTS Gregory Kennedy	Force: At the 43rd Precinct stationhouse, Detective Gregory Kennedy used physical force against § 87(2)(b)	
U.POM Tomor Berisha	Abuse: At the 43rd Precinct stationhouse, Police Officer Tomor Berisha did not obtain medical treatment for § 87(2)(b)	
V. An officer	Abuse: At the 43rd Precinct stationhouse, an officer refused to provide his name and shield number to § 87(2)(b)	
W.SGT Robert Foley	Discourtesy: At the 43rd Precinct stationhouse, Sergeant Robert Foley spoke discourteously to § 87(2)(b)	
X.SGT Robert Foley	Discourtesy: At the 43rd Precinct stationhouse, Sergeant Robert Foley spoke discourteously to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
Y.SGT Robert Foley	Abuse: At the 43rd Precinct stationhouse, Sergeant Robert Foley threatened to arrest § 87(2)(b)	
Z.SGT Robert Foley	Abuse: At 43rd Precinct stationhouse, Sergeant Robert Foley threatened to arrest § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint with IAB on behalf of herself, her daughter, § 87(2)(b) her son, § 87(2)(b) and her sister, § 87(2)(b) via telephone, on September 17, 2017. The CCRB received this complaint on September 22, 2017, under log number 17-36496. This case was originally assigned to IM Monique West, but was reassigned to Inv. Kobi Bordoley upon IM West's promotion. On March 3, 2018, this case was reassigned to the undersigned because of Inv. Bordoley's departure from the agency. § 87(2)(b) provided an 11-second video of the incident, but it did not depict clear misconduct.

On September 16, 2017, at approximately 10:15 p.m., § 87(2)(b) was driving in a vehicle with § 87(2)(b) and § 87(2)(b) and parked in the vicinity of East 172nd Street and Ward Avenue in the Bronx. § 87(2)(b) exited the vehicle first and began walking, on the street, towards his residence, at which point Det. Gregory Kennedy, PO Satinderpal Singh, and PO Tomor Berisha, all from the 43rd Precinct, drove by § 87(2)(b). Det. Kennedy then allegedly stated to § 87(2)(b) "What the fuck you looking at?" (**Allegation A: Discourtesy**, § 87(2)(g) after which all three officers exited their vehicle and forcibly stopped § 87(2)(b) and attempted to handcuff him (**Allegations B, C, and D: Stop**, § 87(2)(g) § 87(2)(b) and § 87(2)(b) then approached the officers, at which point Det. Kennedy allegedly stated, "Move the fuck back," and, "Shut the fuck up," multiple times to them (**Allegations E and F: Discourtesy**, § 87(2)(g) Det. Kennedy then proceeded to push § 87(2)(b) back three times, and allegedly caused her to fall back and hit her head against a light pole (**Allegation G: Force**, § 87(2)(g) Afterward, Det. Kennedy allegedly stated, "What the fuck I said?" (**within Allegation E: Discourtesy**, § 87(2)(g) § 87(2)(b) approached § 87(2)(b) and punched her on the left side of her jaw (**within Allegation G: Force**, § 87(2)(g) § 87(2)(b) was then placed in handcuffs. During this time, Det. Kennedy continued to speak discourteously to § 87(2)(b) (**within Allegation F: Discourtesy**, § 87(2)(g) Afterward, Det. Kennedy allegedly approached § 87(2)(b) and hit her face with the bottom of his palm as she was attempting to record the incident, causing her phone to fall to the ground and crack (**Allegation H: Force**; § 87(2)(g) **Allegation I: Abuse of Authority**, § 87(2)(g) Det. Kennedy also allegedly pushed § 87(2)(b)'s face handcuffing her and a second time while she was being placed inside the police vehicle (**Allegation J: Force**, § 87(2)(g) § 87(2)(b).

After § 87(2)(b) had been placed inside the police vehicle, he stuck his head out of the police vehicle's window to observe what was occurring with § 87(2)(b) after which PO Singh allegedly reached into the window, pushed § 87(2)(b) head toward the back of the seat, and grabbed his throat for approximately five seconds (**Allegations K: Force**, § 87(2)(g) **Allegation L: Force**, § 87(2)(g) As Det. Kennedy was placing § 87(2)(b) into the vehicle, he allegedly stated to her, "Get the fuck in the car," and, "Get the fuck in you faggot" (**within Allegation E; Allegation M**). § 87(2)(b) approached the scene as officers were driving away, during which an unidentified officer allegedly stated to her, "Shut the fuck up" (**Allegation N: Discourtesy**, § 87(2)(g) § 87(2)(b).

During the car ride to the 43rd Precinct stationhouse, § 87(2)(b) allegedly requested to go to the hospital, but officers did not respond to his request (**Allegations O and P: Abuse of Authority**, § 87(2)(g) Upon arrival to the stationhouse, Det. Kennedy allegedly stated to § 87(2)(b) "Get the fuck out of the car," (**Allegation Q: Discourtesy**, § 87(2)(g) Det. Kennedy also allegedly "bent" § 87(2)(b)'s arms up, causing her pain, as he was escorting her into the stationhouse. (**Allegation R: Force**, § 87(2)(g) During this time,

PO Singh allegedly stated, “What the fuck he said?” to § 87(2)(b) in reference to something Det. Kennedy had stated (**Allegation S: Discourtesy**, § 87(2)(g) When § 87(2)(b) was brought to the front desk, Det. Kennedy allegedly lifted § 87(2)(b) arms up while he was rear-handcuffed, causing him pain (**Allegation T: Force**, § 87(2)(g) § 87(2)(b) also allegedly requested medical attention from Det. Kennedy, but he did not obtain any for § 87(2)(b) (**within Allegation O: Abuse of Authority**, § 87(2)(g) § 87(2)(b) also allegedly requested medical attention from PO Berisha, but he did not obtain any for her (**Allegation U: Abuse of Authority**, § 87(2)(g) § 87(2)(b) and § 87(2)(b) then arrived to the 43rd Precinct stationhouse. § 87(2)(b) first interacted with an unidentified officer and requested his name and shield number, but he allegedly refused to provide it (**Allegation V: Abuse of Authority**, § 87(2)(g) § 87(2)(b) Afterward, § 87(2)(b) and § 87(2)(b) spoke to Sgt. Robert Foley, during which he allegedly spoke discourteously to them and threatened to arrest them if they did not leave the stationhouse (**Allegations W and X: Discourtesy**, § 87(2)(g) **Allegations Y and Z: Abuse of Authority**, § 87(2)(g) Afterward, § 87(2)(b) § 87(2)(b) and § 87(2)(b) left the stationhouse. § 87(2)(b) was eventually released with a summons for disorderly conduct, while § 87(2)(b) was arrested and charged with resisting arrest, obstruction of governmental administration, criminal mischief, and disorderly conduct.

Findings and Recommendations

Allegation (A) Discourtesy: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Detective Gregory Kennedy spoke discourteously to § 87(2)(b)

Allegation (B) Abuse of Authority: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Police Officer Satinderpal Singh stopped § 87(2)(b)

Allegation (C) Abuse of Authority: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Detective Gregory Kennedy stopped § 87(2)(b)

Allegation (D) Abuse of Authority: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Police Officer Tomor Berisha stopped § 87(2)(b)

§ 87(2)(b) alleged that after he exited the parked vehicle in which he was a passenger, he was walking on the street at East 172nd Street in the direction of his residence when he observed a vehicle driving slowly behind him. § 87(2)(b) does not have good vision, so he squinted his eyes in their direction, after which the officers drove up to him and Det. Kennedy, the driver of the vehicle, allegedly asked § 87(2)(b) “What the fuck you looking at?” Afterward, § 87(2)(b) continued walking. All three officers then exited their vehicle and forcibly stopped § 87(2)(b) by grabbing his arms and putting his back against the rear of the unmarked police vehicle. The officers asked him if he had anything, and § 87(2)(b) responded that he did not have anything on him and that they could check him if they wanted to. The officers did not inform him what they were looking for or why they had stopped him. § 87(2)(b) noted that prior to being physically stopped, and as the vehicle he was in was moving, he had observed the officers’ vehicle driving in the area, and he indicated that they appeared to be watching or following their vehicle.

§ 87(2)(b) stated that she was inside of the vehicle and saw in the side-view mirror that officers had handcuffed § 87(2)(b) and had him against a vehicle. § 87(2)(b) noted that § 87(2)(b) was seated behind § 87(2)(b) and exited the vehicle onto the street,

approximately five feet into the street, near the crosswalk at the intersection of East 172nd Street and Ward Avenue. § 87(2)(b) estimated that she and § 87(2)(b) were in the vehicle for two minutes before exiting, after which she observed the three officers standing near § 87(2)(b) who was not yet in handcuffs.

PO Singh stated that he and his partners were in the vicinity of East 172nd Street and Ward Avenue regarding a shot spotter activation and a call regarding a male with a firearm. As they were canvassing the area, § 87(2)(b) exited a parked vehicle from the back-passenger seat, onto the street. § 87(2)(b) was in the middle of the street and began yelling, “You guys want to stop me. You guys are harassing me.” PO Singh noted that he and his partners had not had any prior interactions with § 87(2)(b) also began walking towards the officers. PO Singh believed that there were vehicles traveling eastbound that stopped because they were not sure whether § 87(2)(b) was crossing the street, and that there were some vehicles behind the police vehicle at the time § 87(2)(b) was in the middle of the street. The officers asked § 87(2)(b) numerous times to get on the sidewalk because he was obstructing vehicular traffic traveling on East 172nd Street. PO Singh issued the commands at least two times from inside the vehicle. PO Singh also noted that § 87(2)(b) was yelling, had his fists clenched, was waving his arms around, and stated, “Come harass me,” and, “Come stop me.” PO Singh noted that a crowd composed of approximately ten people began to gather to his left. PO Singh did not believe that the crowd was doing anything to get involved, nor did they speak to the officers. At that point, PO Singh decided to arrest § 87(2)(b) for disorderly conduct for § 87(2)(b) “violent and tumultuous” behavior, which included § 87(2)(b) yelling, use of profanity and clenched fists, for obstructing vehicular traffic, and for causing a crowd to gather. § 87(2)(b) was not suspected of being the perpetrator of the shots fired. PO Singh denied that Det. Kennedy spoke discourteously to § 87(2)(b).

Det. Kennedy’s statement was generally consistent with PO Singh’s, except where otherwise noted. Det. Kennedy noted that as § 87(2)(b) was walking on the street, he lifted up his shirt, spun around, and yelled, “You want to check me? You’re following me. I don’t have any guns on me. You fucking idiots, I’m not doing anything wrong.” Det. Kennedy also noted that he had to drive around § 87(2)(b) to avoid hitting him, and then stopped the vehicle next to § 87(2)(b) and asked him what was going on, at which point he attempted to de-escalate the situation by asking § 87(2)(b) to get on the sidewalk, but he refused to do so. Det. Kennedy denied that he asked § 87(2)(b) “What the fuck you looking at?”

PO Berisha’s statement was generally consistent with PO Singh’s, except where otherwise noted. PO Berisha was in the back-passenger seat when PO Singh spotted § 87(2)(b) walking in the street, cursing, and yelling. PO Berisha first observed § 87(2)(b) when he exited the vehicle, at which point the police vehicle was already next to § 87(2)(b). PO Berisha denied that Det. Kennedy spoke discourteously to § 87(2)(b).

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: (1) he engages in fighting or in violent behavior, tumultuous or threatening behavior, or; (2) he makes unreasonable noise, or; (3) in a public place, he uses abusive or obscene language, or makes an obscene gesture; or (4) without lawful authority, he disturbs any lawful assembly or meeting of persons; or (5) he obstructs vehicular or pedestrian traffic; or (6) he congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or (7) he creates a hazardous or physically offensive condition by any act which serves no legitimate purpose. NY Penal Law, Section 240.20 (BR 01). A person may be guilty of disorderly conduct only when the situation

extends beyond the exchange between the individual disputants to a point where it becomes a potential or immediate public problem People v. Baker, 20 N.Y.3d 354 (2013) (BR 02).

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

[REDACTED]

Allegation (E) Discourtesy: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Detective Gregory Kennedy spoke discourteously to § 87(2)(b)

Allegation (F) Discourtesy: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Detective Gregory Kennedy spoke discourteously to § 87(2)(b)

Allegation (G) Force: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Detective Gregory Kennedy used physical force against § 87(2)(b)

§ 87(2)(b) alleged that after she exited the vehicle, she approached the officers, asked them what was happening, and began recording the incident, at which point Det. Kennedy allegedly told her, “Move the fuck back.” § 87(2)(b) also approached the officers and was allegedly told by Det. Kennedy to “move the fuck back.” § 87(2)(b) believed she was nine inches away from Det. Kennedy when she was told to move back. Det. Kennedy continued to tell § 87(2)(b) to move back and also began pushing her back, with an open palm, on her chest. Det. Kennedy pushed § 87(2)(b) back three times, and on the third push, he allegedly caused her to stumble back, which led to her falling down and hitting the back of her head against a light pole. After getting up, § 87(2)(b) alleged that Det. Kennedy approached her and proceeded to punch her on the left side of her jaw, below her ear, while she was standing in the street. § 87(2)(b) believed that she was going to fall due to Det. Kennedy’s punch, so she grabbed his shirt as a reflex to prevent herself from falling, which caused it to rip. Det. Kennedy also allegedly stated to § 87(2)(b) “What the fuck I said?” after she asked the officers why they were bothering her brother. At a later point during the incident, after § 87(2)(b) had been placed in handcuffs, Det. Kennedy allegedly stated to her, “Get the fuck in the car.” § 87(2)(b) noted that Det. Kennedy was the only officer using profanity at the arrest location.

§ 87(2)(b) stated that when she asked Det. Kennedy what happened, he told her to “Get the fuck out of here” and to “shut the fuck up.” She was also consistent with § 87(2)(b) s statement regarding Det. Kennedy allegedly pushing § 87(2)(b) and telling her to move back. § 87(2)(b) noted that § 87(2)(b) moved forward toward Det. Kennedy after the first push and continued to ask questions about her brother, stated that she was not going anywhere, and told Det. Kennedy not to put her hands on her. Afterward, Det. Kennedy pushed § 87(2)(b) again and on her upper chest, with two hands, and told her to move and to “get the fuck out of here.” § 87(2)(b) moved back but stepped toward Det. Kennedy once more. § 87(2)(b) was more than an arm’s length away from Det. Kennedy when she was pushed. Det. Kennedy then allegedly took three to four steps towards § 87(2)(b) and pushed her with two hands and caused her to fall back and hit her head against a nearby pole. § 87(2)(b) noted that she called Det. Kennedy an “angry black man” at this point, to which Det. Kennedy allegedly responded, “No, he’s a fucking angry black man,” in reference to § 87(2)(b) and then told her to “move the fuck back” and to “shut the fuck up” again. Afterward, Det. Kennedy allegedly grabbed § 87(2)(b) by her arm, told her to put her hands behind her back, and attempted to handcuff her. At that point, § 87(2)(b) grabbed Det. Kennedy’s shirt, near his collar. Det. Kennedy then stated to another officer, “Help me with her,” as he was attempting to put her hands behind her back. § 87(2)(b) acknowledged that § 87(2)(b) was “moving her arm a little bit.” PO Singh then grabbed onto § 87(2)(b) s arms while he was behind her, at which point Det. Kennedy punched § 87(2)(b) in the face, one time, with a closed fist.

§ 87(2)(b) statement was generally consistent with § 87(2)(b) s and § 87(2)(b) s regarding Det. Kennedy’s use of force, except where otherwise noted. § 87(2)(b) who was already in handcuffs and inside of the police vehicle at this time, alleged that Det. Kennedy grabbed § 87(2)(b) by the arm and “slammed” her on the front of the police car. Afterward, PO Singh and PO Berisha ran towards § 87(2)(b) and Det. Kennedy proceeded to punch § 87(2)(b) twice in her jaw while the other officers were holding § 87(2)(b) against the vehicle. During this time, § 87(2)(b) could not move her arms because all three officers were twisting and grabbing her arms, trying to place them behind her back. § 87(2)(b) later stated that Det. Kennedy’s shirt was pulled because § 87(2)(b) grabbed his shirt after he hit her, which caused her to almost lose her balance.

Det. Kennedy stated that after § 87(2)(b) exited the vehicle, she approached Det. Kennedy and asked to record the stop. Det. Kennedy told her that she could record but that she needed to stay on the sidewalk. § 87(2)(b) complied and recorded from the sidewalk. Afterward, Det. Kennedy went towards § 87(2)(b) and the two other officers. § 87(2)(b) then stepped off the curb and walked towards Det. Kennedy until she was an arm’s length away from him, which he found to be too close. Det. Kennedy then extended his hand to push her back and told her to move back. § 87(2)(b) returned to the sidewalk and continued recording, but then she entered the roadway and got within arm’s length again, so Det. Kennedy extended his arm again, pushed her back, and told her to move back. § 87(2)(b) went to the sidewalk but subsequently returned within arm’s length of Det. Kennedy, so Det. Kennedy pushed her back a third time, after which § 87(2)(b) stumbled, fell to the ground, and landed on her buttocks. Det. Kennedy did not observe § 87(2)(b) s head make contact with a pole. Det. Kennedy did not believe the amount of force used to push § 87(2)(b) changed during any of his pushes, and he did not know what caused § 87(2)(b) to stumble and to fall to the ground. She did not offer any resistance when he pushed her back. Det. Kennedy

denied pushing § 87(2)(b) with the intent of causing her to fall. Det. Kennedy stated that § 87(2)(b) got up and approached him, and as he extended his hand arm, § 87(2)(b) grabbed him by his shirt's collar "tightly" and pushed down. Det. Kennedy then grabbed § 87(2)(b)'s wrist to remove her hand, but he was unable to do so, and commanded her at least two times to remove her hand. § 87(2)(b) grabbed Det. Kennedy so tightly that she "popped" the chain that he was wearing and ripped his shirt. Det. Kennedy was not sure what § 87(2)(b)'s intentions were when she grabbed him, but at that point, he "utilized a strike...somewhere about her person, once or twice," to get her off of him. Det. Kennedy could not recall specifically where he struck her, but he noted that he struck her with a closed fist in her upper torso but was not sure "where it landed." Afterward, Det. Kennedy was able to gain control of § 87(2)(b)'s left hand and, with the assistance of PO Berisha, placed her in handcuffs. Det. Kennedy denied speaking discourteously to § 87(2)(b) and § 87(2)(b) during this portion of the incident.

PO Berisha's statement was generally consistent with Det. Kennedy's, though he denied that Det. Kennedy punched § 87(2)(b) or used any other type of force against her, other than pushing her and grabbing her arms. PO Berisha denied that Det. Kennedy spoke discourteously to § 87(2)(b) or § 87(2)(b). PO Singh did not witness Det. Kennedy push or punch § 87(2)(b) and he denied that Det. Kennedy spoke discourteously to § 87(2)(b) or § 87(2)(b). PO Singh stated that after placing § 87(2)(b) in the police vehicle, he observed Det. Kennedy and PO Berisha struggling to place § 87(2)(b) in handcuffs, who was resisting by tensing her arms. PO Singh then assisted the officers in placing her hands fully behind her back. PO Singh did not observe Det. Kennedy use any other type of force against § 87(2)(b) other than grabbing her arms.

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. NY Patrol Guide, Section 221-01 (BR 03).

§ 87(2)(b), § 87(2)(g)

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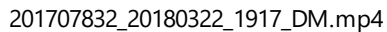
§ 87(2)(b), § 87(2)(g)

Allegation (H) Force: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Detective Gregory Kennedy used physical force against § 87(2)(b)

Allegation (I) Abuse of Authority: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Detective Gregory Kennedy damaged § 87(2)(b) s property.

§ 87(2)(b) alleged that after Det. Kennedy punched § 87(2)(b) she asked him, “You really punched my niece in the face?” Det. Kennedy then approached § 87(2)(b) who was recording the incident on her cellphone, from three to four steps away and hit her face with the bottom of his palm, striking the left side of her jaw and causing her phone to drop and crack. By this point, § 87(2)(b) was already handcuffed. The officers then placed § 87(2)(b) in the vehicle and departed from the scene.

§ 87(2)(b) alleged that § 87(2)(b) was recording the incident on the sidewalk when Det. Kennedy told § 87(2)(b) to get back and then smacked § 87(2)(b)'s phone out of her hand with an open hand, and simultaneously smacked her in the face, with the same motion.



(BR 04)

§ 87(2)(b) provided an 11-second video that shows Det. Kennedy in the process of handcuffing someone (presumably § 87(2)(b)). A female's voice then states, § 87(2)(b). "Are you serious? You punched her in the face?" A black male can be seen sitting in the rear of the vehicle, and he is screaming obscenities at the officers. PO Singh is also shown to be assisting Det. Kennedy in handcuffing § 87(2)(b). PO Singh and § 87(2)(b) are in between Det. Kennedy and § 87(2)(b) and it appears that the phone is in close proximity to the officers. Towards the end of the video, Det. Kennedy states, "Move," and immediately after, extends his hand towards the camera. The video then ends abruptly.

Det. Kennedy denied smacking § 87(2)(b)'s face or smacking her phone and causing it to fall. He also did not have a specific recollection of interacting with § 87(2)(b) at the scene of arrest. PO Berisha denied observing Det. Kennedy smack a female in the face or

smack her phone. PO Singh did not recall observing § 87(2)(b) at the arrest location, and he denied observing Det. Kennedy smack § 87(2)(b)'s face or phone.

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. NY Patrol Guide, Section 221-01 (BR 03).

§ 87(2)(b), § 87(2)(g)

[REDACTED]

Allegation (J) Force: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Detective Gregory Kennedy used physical force against § 87(2)(b)

§ 87(2)(b) alleged that after she was punched, Det. Kennedy grabbed her by her arm and placed her against the police vehicle, after which he allegedly “mushed” her face with his right hand and placed her in handcuffs. Det. Kennedy also allegedly “mushed” and pushed § 87(2)(b)'s face as he was placing her inside of the police vehicle.

§ 87(2)(b) supplied the investigation with photographs on September 26, 2018, which showed her face with what appear to be minor scratches (BR 05).

Det. Kennedy denied slamming § 87(2)(b) against a vehicle, and he denied “mushing” or pushing her face at any point during this incident. PO Berisha and PO Singh denied that Det. Kennedy performed these actions against § 87(2)(b).

§ 87(2)(b), § 87(2)(g)

[REDACTED]

Allegation (K) Force: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Police Officer Satinderpal Singh used a chokehold on § 87(2)(b)

Allegation (L) Force: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Police Officer Satinderpal Singh restricted § 87(2)(b)'s breathing.

§ 87(2)(b) alleged that he was screaming and asking the officers what they were doing as they were handling § 87(2)(b) while he was seated inside of the police vehicle. § 87(2)(b) explained that he was seated and leaning on the vehicle's door with his head out of the window, and he denied that he stood up from the seat. During this time, PO Singh allegedly

approached him, reached into the window, and pushed § 87(2)(b)'s head towards the back seat and then grabbed § 87(2)(b) by his throat with one hand for approximately five seconds, restricting his breathing. PO Singh had not issued § 87(2)(b) any commands prior to doing this.

PO Singh did not recall whether § 87(2)(b) was doing or saying anything when § 87(2)(b) was being placed in handcuffs, and he denied that he, or any other officer, pushed § 87(2)(b)'s head back into the vehicle or choked him during the incident. Det. Kennedy and PO Berisha also denied that PO Singh pushed § 87(2)(b) or choked him during the incident.

§ 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED].

Allegation (M) Offensive Language: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, Detective Gregory Kennedy made remarks to § 87(2)(b) based on her perceived sexual orientation.

§ 87(2)(b) alleged that Det. Kennedy stated to her, “Get the fuck in, you faggot,” as he was placing her inside of the police vehicle. § 87(2)(b) alleged that Det. Kennedy called § 87(2)(b) a “faggot” while inside of the vehicle and after § 87(2)(b) asked Det. Kennedy why he had hit her.

Det. Kennedy denied calling § 87(2)(b) a “faggot,” and he denied making any statements towards § 87(2)(b) based upon her perceived sexual orientation. He also noted that it was § 87(2)(b) who was calling him a “faggot.” PO Singh and PO Berisha also denied that Det. Kennedy made any such statements to § 87(2)(b).

§ 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED].

Allegation (N) Discourtesy: In the vicinity of East 172nd Street and Ward Avenue in the Bronx, an officer spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that when she arrived to the scene of arrest, she observed an unmarked sedan in the middle of the street, which contained § 87(2)(b) and § 87(2)(b). § 87(2)(b) approached the unmarked vehicle and attempted to open one of vehicle's doors but was unable to do it. The vehicle then drove away. Soon after, an unmarked black vehicle and a marked police vehicle passed by on the street, and an officer who she could not see or described yelled out, “Shut the fuck up.” Neither vehicle came to a stop and they continued past her.

§ 87(2)(b) alleged that § 87(2)(b) arrived as the police vehicle with § 87(2)(b) and § 87(2)(b) was driving away. At some point, a second police vehicle drove by and § 87(2)(b) asked the officers where they were taking her kids, at which point an officer stated, “Fuck you,” as they drove away. § 87(2)(b) could not see who made the statement.

PO Kennedy stated that as they were leaving the scene, a group of people approached their vehicle and began hitting the car as they were pulling off. Specifically, he observed a female hitting the side of his vehicle and yelling, though he could not recall what she was stating. Not all three officers fit in the vehicle, so PO Berisha stayed behind while PO Singh accompanied Det. Kennedy in the vehicle. Additionally, a second unit approached the scene as PO Kennedy was departing. PO Kennedy could not identify the officers in the second unit, but he believed they may have been a Housing Anti-crime unit. PO Kennedy denied speaking discourteously to

§ 87(2)(b) and he did not observe any other officer do so. PO Singh also denied that he, or any other officer, spoke discourteously to § 87(2)(b)

PO Berisha noted that he was picked up by a housing unit, but he was unable to identify or describe any of the officers in that vehicle. PO Berisha denied that he, or any other officer, spoke discourteously to § 87(2)(b) at the arrest location. Sgt. Foley also noted that he responded to the scene in an unmarked vehicle after all the officers had departed, and he observed a black female screaming towards his vehicle. Sgt. Foley continued moving and did not stop. Sgt. Foley could not identify the officers who accompanied him to the scene. Sgt. Foley denied that he, or any other officer, spoke discourteously to § 87(2)(b) at the arrest location.

The roll call for PSA 8 was obtained, and it showed that there were four officers assigned to Anti-crime on the date of the incident (BR 17).

§ 87(2)(b), § 87(2)(g)

Allegation (O) Abuse of Authority: En route to the 43rd Precinct stationhouse, Detective Gregory Kennedy did not obtain medical treatment for § 87(2)(b)

Allegation (P) Abuse of Authority: En route to the 43rd Precinct stationhouse, Police Officer Satinderpal Singh did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b) alleged that both he and § 87(2)(b) informed the officers that they wanted to go to the hospital while en route to the 43rd Precinct stationhouse, but the officers allegedly ignored their requests and just turned up the music. After being processed and placed inside of a cell, § 87(2)(b) asked Det. Kennedy if he could go to the hospital because his wrists were in pain and because he was having problems with his asthma, but Det. Kennedy allegedly acted as if he did not hear § 87(2)(b) and ignored his request. § 87(2)(b) noted that he asked Det. Kennedy multiple times during this period. § 87(2)(b) did not allege that she requested medical attention during the ride to the stationhouse, and therefore, a refusal to obtain medical treatment has not been pleaded on her behalf.)

Det. Kennedy noted that both defendants were yelling and cursing at him during the ride to the stationhouse, but he ignored their comments. He denied that § 87(2)(b) complained of asthma or that he requested medical attention while inside the vehicle. Det. Kennedy also denied that § 87(2)(b) requested medical attention inside of the stationhouse. PO Singh denied that § 87(2)(b) complained about his breathing or requested medical attention during the car ride to the stationhouse, and he denied that § 87(2)(b) requested medical attention inside the stationhouse.

§ 87(2)(b), § 87(2)(g)

Allegation (Q) Discourtesy: At the 43rd Precinct stationhouse, Detective Gregory Kennedy spoke discourteously to § 87(2)(b)

Allegation (R) Force: At the 43rd Precinct stationhouse, Detective Gregory Kennedy used physical force against § 87(2)(b)

Allegation (S) Discourtesy: At the 43rd Precinct stationhouse, Police Officer Satinderpal Singh spoke discourteously to § 87(2)(b)

Allegation (T) Force: At the 43rd Precinct stationhouse, Detective Gregory Kennedy used physical force against § 87(2)(b)

§ 87(2)(b) alleged that, upon arrival to the stationhouse, Det. Kennedy allegedly told her to “get the fuck out of the car” and then removed her from the vehicle by grabbing her arm tightly. § 87(2)(b) then complained that her handcuffs were too tight and asked Det. Kennedy to loosen them, which allegedly prompted Det. Kennedy to retighten them and cause a cut to her wrist. As Det. Kennedy escorted § 87(2)(b) into the stationhouse, he allegedly “bent” § 87(2)(b)’s arms up, which prevented her from walking because it made her knees weak. Afterward, PO Singh stated, “What the fuck he said?” grabbed § 87(2)(b) by her other arm and helped to escort her in.

§ 87(2)(b) alleged that PO Singh and PO Berisha dealt with § 87(2)(b) upon arrival to the stationhouse, lifted her hands while she was rear-handcuffed, and caused her pain. After § 87(2)(b) was presented in front of the desk, Det. Kennedy allegedly lifted up his arms while they were rear-handcuffed and caused him pain.

Det. Kennedy believed that he escorted § 87(2)(b) into the stationhouse, and noted that she was compliant when walking into the stationhouse. Det. Kennedy also noted that § 87(2)(b) and § 87(2)(b) were upset and yelling. Det. Kennedy was not sure which officers lodged § 87(2)(b) and § 87(2)(b) in a cell, but he did not do so because he had removed himself from the situation because § 87(2)(b) and § 87(2)(b)’s anger was directed towards him. Det. Kennedy denied that he retightened § 87(2)(b)’s handcuffs at any point, he denied speaking discourteously to her at the stationhouse, and he denied that he lifted her arms up while she was rear-handcuffed and caused her pain.

PO Singh noted that he removed § 87(2)(b) from the vehicle and escorted him into the stationhouse without any issues. PO Singh also obtained § 87(2)(b) pedigree information and safeguarded his property, but he did not have any subsequent interactions with § 87(2)(b) due to § 87(2)(b) agitation. PO Singh had another officer issue § 87(2)(b) the summons. PO Singh denied that any officer lifted § 87(2)(b) arms up while was rear-handcuffed. He also denied that any officer performed that action against § 87(2)(b) retightened her handcuffs, or spoke discourteously to her. PO Berisha did not observe when § 87(2)(b) and § 87(2)(b) were escorted into the stationhouse, and the officers assigned to stationhouse security had no recollection of this incident.

§ 87(2)(b), § 87(2)(g)

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Allegation (U) Abuse of Authority: At the 43rd Precinct stationhouse, Police Officer Tomor Berisha refused to obtain medical treatment for § 87(2)(b)

§ 87(2)(b) alleged that she requested medical attention from PO Berisha while inside of the stationhouse because her “jaw was killing” her. Afterward, PO Berisha took a photograph of § 87(2)(b) while she was inside of a cell, and she asked him if it was “for evidence.” PO Berisha answered negatively and stated that he “just had to do it.”

PO Berisha acknowledged that he took a photograph of § 87(2)(b) for a TRI (Threat, Resistance, and Injury) report. He did not recall if he observed any injuries on her, nor did he recall why the TRI form was being completed. PO Berisha denied that § 87(2)(b) requested medical attention, and he denied that he refused to provide it.

Sgt. Foley stated that he only interacted with § 87(2)(b) once inside of that stationhouse, during which he asked her if she needed medical attention, but she declined.

§ 87(2)(b), § 87(2)(g)

Allegation (V) Abuse of Authority: At the 43rd Precinct stationhouse, an officer refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) alleged that she and § 87(2)(b) went to the 43rd Precinct stationhouse to figure out what happened with her children. Upon entering the stationhouse, she spoke to an unidentified officer who instructed her to take a seat, after which § 87(2)(b) requested the officer’s shield number, but the officer allegedly ignored her request. § 87(2)(b) described the officer as a white male, approximately 5’9” tall, with an average build, in his 40s, with a low haircut, and with a white shirt uniform. § 87(2)(b) described § 87(2)(b) speaking with an officer inside of the stationhouse that may have identified himself as a sergeant, but she did not note that § 87(2)(b) requested an officer’s shield number.

A review of the roll call determined that there was only one white male officer with a white shirt uniform listed in the roll call as having worked around the time of the incident – Lt. John McDonagh – but the roll call did not specify what time he worked and only identified his assignment as the Integrity Control Officer (ICO) (BR 06). Lt. McDonagh was interviewed, but he did not have any recollection of the incident or any recollection of § 87(2)(b) or § 87(2)(b). He further stated that he was not working at the time of the incident. Sgt. Diaz, the desk sergeant during the time of the incident, was also interviewed, but he had no recollection of the incident and did not recognize § 87(2)(b) or § 87(2)(b). Other officers interviewed for this case did not observe § 87(2)(b)’s allegation. The command log did not identify any other officers that fit the description provided by § 87(2)(b) (BR 07).

§ 87(2)(b), § 87(2)(g)

Allegation (W) Discourtesy: At the 43rd Precinct stationhouse, Sergeant Robert Foley spoke discourteously to § 87(2)(b)

Allegation (X) Discourtesy: At the 43rd Precinct stationhouse, Sergeant Robert Foley spoke discourteously to § 87(2)(b)

Allegation (Y) Abuse of Authority: At the 43rd Precinct stationhouse, Sergeant Robert Foley threatened to arrest § 87(2)(b)

Allegation (Z) Abuse of Authority: At the 43rd Precinct stationhouse, Sergeant Robert Foley threatened to arrest § 87(2)(b)

Afterward, § 87(2)(b) alleged that Sgt. Foley came to speak to her. § 87(2)(b) asked what happened to her kids and noted that she was informed that § 87(2)(b) had been pushed to the ground and punched in the face. Sgt. Foley then allegedly asked why his officer, who was “fucking 6’6” tall,” had his shirt ripped. Sgt. Foley also allegedly stated that he was not going to “tell [her] shit.” § 87(2)(b) also requested her car keys, as § 87(2)(b) was in possession of them during her arrest, after which Sgt. Foley allegedly stated that he was not going to give her “shit.” During § 87(2)(b)’s conversation with Sgt. Foley, she became increasingly upset as he accused her daughter of trying to rip off Det. Kennedy’s shield and that she was going to have a record now. Sgt. Foley also allegedly told § 87(2)(b) and § 87(2)(b) “Get the fuck out of here before I arrest you.” § 87(2)(b) and § 87(2)(b) remained inside the stationhouse, at which point Sgt. Foley stated, “Get the fuck out.” § 87(2)(b) and § 87(2)(b) eventually exited the stationhouse after being commanded to do so five or six times.

§ 87(2)(b) stated that after Sgt. Foley came to speak with her and § 87(2)(b) asked about her keys, and he stated that they would be returned. Sgt. Foley then asked, “How did his fucking shirt get ripped?” in reference to Det. Kennedy’s shirt, and suggested that the ripped shirt indicated that § 87(2)(b) had resisted. § 87(2)(b) became upset and asked for more information about her children. § 87(2)(b) did not recall the exact sequence of the conversation that followed, but she recalled that Sgt. Foley described himself as a boss and stated, “I’m her fucking daughter’s boss now. I’m the boss of all the fucking bosses in here.” § 87(2)(b) requested her key again, to which Sgt. Foley allegedly replied, “As a matter of fact, you’re not getting your fucking key. How about that? And you two can get out. Get out of the building. Get the fuck out before I arrest your fucking asses.” § 87(2)(b) and § 87(2)(b) complied and exited the stationhouse.

Sgt. Foley noted that he interacted with § 87(2)(b) and § 87(2)(b) at the stationhouse. Sgt. Foley first spoke to § 87(2)(b) and explained that § 87(2)(b) would be put through the system and that § 87(2)(b) would be released with a summons. He had no recollection of § 87(2)(b) mentioning that one of the defendants had her property. Sgt. Foley explained that § 87(2)(b) came into the stationhouse yelling and screaming, after which Sgt. Foley attempted to explain the situation to her, but she “did not want to hear it.” Sgt. Foley could not recall specifically what § 87(2)(b) was stating. Sgt. Foley told § 87(2)(b) that she could not keep yelling and screaming inside of the stationhouse, and told her that she could leave. § 87(2)(b) continued yelling and screaming. Sgt. Foley estimated that he told § 87(2)(b) to leave two times before she and § 87(2)(b) exited the stationhouse. Sgt. Foley did not recall if he mentioned Det. Kennedy’s ripped shirt to them. Sgt. Foley denied that he made any of the statements alleged by § 87(2)(b) or § 87(2)(b).

and he denied speaking discourteously to them. Sgt. Foley denied threatening to arrest § 87(2)(b) or § 87(2)(b).

Det. Kennedy stated that he was aware that § 87(2)(b) and § 87(2)(b) after he was informed of it by an unidentified officer, but he did not hear or observe their interaction with any officer inside of the stationhouse. PO Berisha noted that some of the people from the scene of arrest arrived to the stationhouse, and he believed that he spoke to them, but could not recall the conversation. PO Berisha did not observe Sgt. Foley interact with any of these individuals. PO Singh did not become aware of the defendants' family members arriving to the stationhouse and did not observe any interaction between Sgt. Foley and the defendants' family members. Sgt. Diaz, the desk sergeant at the time of the incident, as well as two officers assigned to stationhouse security – PO Md Ali and PO Ivelisse Marte – were interviewed for this case. They had no recollection of this incident and did not recognize § 87(2)(b) or § 87(2)(b).

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 08).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 09).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 10).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 11).
- Det. Kennedy has been a member-of-service for nine years and has been a subject in nine CCRB complaints and 20 allegations, of which two were substantiated:
 - CCRB 201403575 involved substantiated allegations of a retaliatory arrest and a stop, for which the board recommended Command Discipline A and Command Discipline B, respectively. The NYPD imposed Command Discipline A for both allegations.
- PO Berisha has been a member-of-service for five years and this is the first CCRB complaint to which he has been a subject.
- PO Singh has been a member-of-service for five years and this is the first CCRB complaint to which he has been a subject.
- Sgt. Foley has been a member-of-service for 14 years and has been a subject in three CCRB complaints and four allegations, none of which were substantiated.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming that she was falsely arrested, assaulted, battered, humiliated and wrongfully imprisoned by multiple members of the New York City Police Department (BR 12).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (BR 13).

- § 87(2)(b)
- According to OCA, § 87(2)(b) has no history of convictions in New York City. The charges related to this case are still pending (BR 15).
- § 87(2)(b)

Squad: _____